

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Jay S. Walker, et al.

Group Art Unit: 3625

Serial No.: 09/507,262

Examiner: James Zurita

Filed: February 18, 2000

For: CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_.
4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

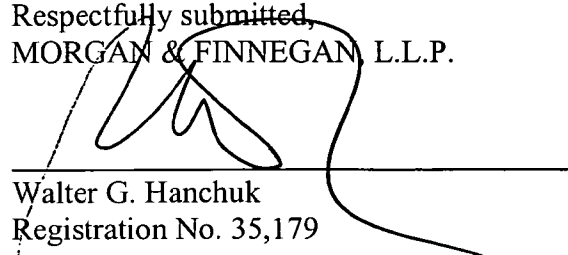
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A  
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ **PCT application number** \_\_\_\_\_ or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3553-4020US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: March 19, 2003

By:

  
Walter G. Hanchuk  
Registration No. 35,179

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile

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Washington, DC 20231

**SUPPLEMENTAL COMMUNICATION**

Sir:

Further to Applicants' March 4, 2003 Amendment, Applicants respectfully submit a courtesy copy of each reference previously cited in an Information Disclosure Statement. Each of these references was previously cited in a parent application and cited in a previous IDS in the instant application. Applicants respectfully submit that the previously filed IDS was properly filed, and a copy of the cited references was not required because each of these references had been cited in a parent application. Applicants nevertheless respectfully submit a courtesy copy of these references to facilitate the Examiner's review and consideration. Accordingly, no fee is believed necessary for consideration of these references.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 3553-4020US3.

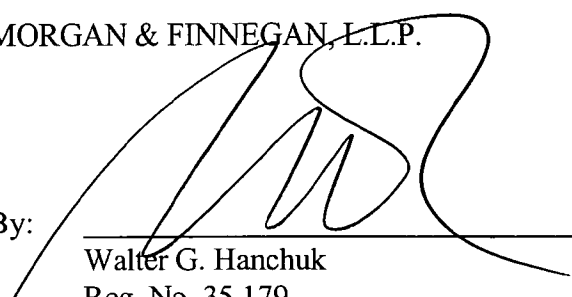
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 3553-4020US3. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 19, 2003

By:



Walter G. Hanchuk  
Reg. No. 35,179

Mailing Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Telecopier

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> 3553-4020US3	<b>SERIAL NO.</b> 09/507,262
	<b>APPLICANT</b> Jay S. Walker, et al.	
	<b>FILING DATE</b> 02/18/00	<b>GROUP ART UNIT</b> 3625

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,845,265	12/1/98	Woolston			
		5,835,896	11/10/98	Fisher, et al.			
		5,832,452	11/3/98	Schneider, et al.			
		5,826,244	10/20/98	Huberman			
		5,799,285	8/25/98	Klingman			
		5,797,127	8/18/98	Jay S. Walker, et al.			
		5,794,219	8/11/98	Brown			
		5,794,207	8/11/98	Walker, et al.			
		5,758,328	5/26/98	Giovannoli			
		5,757,917	5/26/98	Rose, et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		97/46961	12/11/97	WIPO				X
		96/34356	10/31/96	WIPO				X

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

			Fishkin, Ken, Foresight Exchange Tutorial: ( <a href="http://www.ideosphere.com/fx/docs/tutorial.html">http://www.ideosphere.com/fx/docs/tutorial.html</a> ) February 19, 1999 at pgs. 1-5
<b>EXAMINER</b>	/James Zurita/		<b>DATE CONSIDERED</b> 12/15/2009

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

#10 9-25-03  
CW

Sheet 2 of 11

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 3553-4020US2		SERIAL NO. 09/507,262			
<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)		APPLICANT Jay S. Walker, et al.					
		FILING DATE 02/18/00		GROUP ART UNIT 3625			
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,745,882	4/28/98	Bixler, et al.			
		5,732,400	3/24/98	Mandler, et al.			
		5,717,989	2/10/98	Tozzoli, et. al.			
		5,689,652	11/18/97	Lupien, et al.			
		5,664,115	9/2/97	Fraser			
		5,615,269	3/25/97	Micali			
		5,611,052	3/11/97	Dykstra, et al.			
		5,606,602	2/25/97	Johnson, et al.			
		5,592,375	1/7/97	Salmon, et al.			
		5,570,283	10/29/96	Shoolery, et. al.			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)</b>							
		"Bid.com 1998 Third-Quarter Revenue Increases 12.5 Percent From Second Quarter", Business Wire, October 29, 1998.					
		Final Report: Virtual Hospital ( <a href="http://www.telemmed.medadmin.uiowa.edu/TRCDocs/Pubs/FinalReport/cVirtualH/virtualH/virtualh02.html">http://www.telemmed.medadmin.uiowa.edu/TRCDocs/Pubs/FinalReport/cVirtualH/virtualH/virtualh02.html</a> ), download date: September 20, 1998.					
		"First Source Become a Member", More Reasons To Join First Source! ( <a href="http://www.fsource.com/bene.html">http://www.fsource.com/bene.html</a> ), download date: September 20, 1998.					
		Jeffrey Davis, "Big Storm rising", Business 2.0, September, 1998 at p. 60.					
		Suite 101.com ( <a href="http://www.suite101.com/doc.cfm.presskit/questions">http://www.suite101.com/doc.cfm.presskit/questions</a> ), 1998.					
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M&amp;F REV. 06/29/95

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.Z./

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,557,517	9/17/96	Daughterty, III			
	5,557,518	9/17/96	Rosen			
	5,553,131	9/3/96	Minervino, Jr., et al.			
	5,799,285	8/25/96	Klingman			
	5,519,769	5/21/96	Weinberger, et al.			
	5,517,555	5/14/96	Amadon, et al.			
	5,500,793	3/19/96	Deming, Jr., et. al.			
	5,467,269	11/14/95	Flaten			
	5,444,630	8/22/95	Dlugos			
	5,426,281	6/20/95	Abecassis			
	5,420,914	5/30/95	Blumhardt			

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

		Web Marketing Today ( <a href="http://www.wilsonweb.com/rfwilson/wmt2/issue36htm">http://www.wilsonweb.com/rfwilson/wmt2/issue36htm</a> ) dated September 1, 1997, download date: September 17, 1998.
		"Free Stuff Internet Site Delivers for Viewers and Advertisers Alike", Press Release of PromoNet Interactive, Inc. dated November 10, 1997.
		About Iao, selected pages downloaded from <a href="http://www.iaoauction.com">www.iaoauction.com</a> on September 8, 1997 and September 18, 1997.
		Onsale: Auction Supersite, selected pages downloaded from <a href="http://www.onsale.com">www.onsale.com</a> on September 8, 1997.
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		5,694,551	4/24/95	Doyle, et. al.			
		5,404,291	4/4/95	Kerr, et. al.			
		5,696,965	11/3/94	Dedrick			
		5,361,199	11/1/94	Shoquist, et. al.			
		5,329,589	7/12/94	Fraser, et al.			
		5,297,031	3/22/94	Guterman, et. al.			
		5,283,731	2/1/94	Lalonde, et al.			
		5,253,165	11/12/93	Leiseca, et al.			
		5,262,941	11/93	Saladin, et al.			
		5,243,515	9/7/93	Lee			
		5,224,034	6/29/93	Katz, et. al.			
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Papers, Etc.)</i>							
		Hapgood, Fred 'bidder Harvest", September 1997, pge 58.					
		NASDAQ: What is NASDAQ?, selected pages downloaded from <a href="http://home.axford.com">http://home.axford.com</a> on August 15, 1997.					
		NASDAQ Consolidated Subscriber Agreement, downloaded from <a href="http://www.pcquote.com/exchanges">www.pcquote.com/exchanges</a> on August 15, 1997.					
		TradingFloor: General Trading Information and Terms, downloaded from <a href="http://www.tradingfloor.com">www.tradingfloor.com</a> on August 14, 1997.					
		HomeShark: Refinance Check, selected pages downloaded from <a href="http://www.homes shark.com">www.homes shark.com</a> on August 13, 1997.					
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		5,191,613	3/2/93	Graziano, et. al.			
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		5,168,446	12/1/92	Wiseman			
		5,136,501	8/4/92	Silverman, et. al.			
		5,021,953	6/4/91	Webber, et. al.			
		4,931,932	6/5/90	Dalnekoff, et. al.			
		4,903,201	2/20/90	Wagner			
		4,799,156	1/17/89	Shavit, et al.			
		4,789,928	12/6/88	Fujisaki			
		4,751,728	6/14/88	Treat			
		4,677,552	6/30/87	Sibley, Jr.			
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Papers, Etc.)</i>							
		The Loan Process, downloaded from <a href="http://www.sdtech.com/mls/process">www.sdtech.com/mls/process</a> on August 7, 1997.					
		Trade-Direct: We Help You Trade With Confidence, selected pages downloaded from <a href="http://www.trade-direct.com">www.trade-direct.com</a> on August 6, 1997.					
		Classifieds2000: The Internet Classifieds, selected pages downloaded from <a href="http://www.classifieds2000.com">www.classifieds2000.com</a> on August 6, 1997.					
		Internet Mortgage Service Eliminates Loan Agents and Passes Commissions on to the Consumer, Company Press Release, Yahoo Business Wire (June 30, 1997).					
		Frequently Asked Questions About: Airhitch, selected pages downloaded from <a href="http://www.isicom.com.fr/airhitch">www.isicom.com.fr/airhitch</a> on May 6, 1997.					
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	4,553,222	11/12/85	Kurland, et al.			
	4,449,186	5/15/84	Kelly, et al.			
	4,247,759	1/27/81	Yuris, et al.			
	3,573,747	4/6/71	Adams, et al.			

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		Hitch a Flight to Europe, selected pages downloaded from <a href="http://www.travelassist.com">www.travelassist.com</a> on May 6, 1997.
		Airhitch: Your Way to Low Cost Travel, selected pages downloaded from <a href="http://www.vaportrails.com">www.vaportrails.com</a> on May 6, 1997.
		Kelsey, J. and Schneier, B., Conditional Purchase Orders, 4 <sup>th</sup> ACM Conference on Computer and Communications Security, ACM Press, 117-124 (April 1997).
		Bryant, Adam, "Shaking Up Air Fares' Status Quo", The New York Times, March 31, 1997.
		Silverman, Robert, "GM Drives Wed Ad Insertion Network", Inside Media, February 26, 1997, Vol. 9, No. 4, page 1; ISSN:1046-5316.
		"Flycast Introduces Unique 'Open Exchange' Match-Making Service", Interactive Marketing News, February 21, 1997, Vol. 4, No. 8.
		"UK's" World Telecom Unveils New WorldSaver Tariffs," Newsbytes, Information Access Company (February 13, 1997)
		"TransQuest and Web Ventures Deliver Internet Booking for Delta Air Lines", PR Newswire, December 10, 1996, Financial News Section.
		"Affinicast Enables Web Sites That Listen and Adapt to Customer Affinities", PR Newswire, December 3, 1996.
		"Web Ventures Presents BookIt!" press release printed from <a href="http://www.webventures.com/bookit/">http://www.webventures.com/bookit/</a> (Web Ventures World Wide Web site) on December 2, 1996.

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	4,959,686	9/1990	Spallone et al.			
	5,715,399	2/1998	Bezos			

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		Nishimoto, Lisa, "Travel Services Are First Online Commerce Offerings to Fly," Infoworld, July 29, 1996, downloaded from http://www.infoworld.com.
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		Sothbey's General Information, downloaded from www.sothebys.com (1996).
		CyberBid, Net Fun Ltd.(1996)
		Nimmer, Raymond, T., "Electronic Contracting; Legal Issues", 14 J. Marshall J. Computer & Info L.211, Winter, 1996.
		American Law Institute, Draft-Uniform Commercial Code Revised Article 2 (Sales), parts 2, 3, and 7, pages 1-15, January 4, 1996.
		Speidel, Richard E. & Schott, Lee A., "Impact of Electronic Contracting on Contract Formation Under Revised UCC Article 2, Sales", C878 ALI-ABA 335, December 9, 1993.
		Hainer, Cathy and Grossman, Cathy Lynn, "Where Vacationing Kids Get Good Care", USA Today, April 1, 1992, at page. 4D.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.Z./

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<b>FOREIGN PATENT DOCUMENTS</b>							
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<b>FOREIGN PATENT DOCUMENTS</b>							
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							YES NO
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES      NO
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